



2525 E. Camelback Road • Suite 450 • Phoenix, AZ • 85016-4210
tel 602-441-1300 • fax 602-441-1350 • wshblaw.com

Cathleen A Giannetta
direct dial (332) 999-1260
email cgiannetta@wshblaw.com
refer to 11024-0003

January 14, 2022

MEMO ENDORSED

VIA ECF

Honorable Kenneth M. Karas
United States District Judge
U.S. District Court, Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: **W.S.R. et als. v. FCA US LLC, et als., No. 7:18-cv-06961-KMK-AEK**
The Yanfeng US Automotive Interior Systems II LLC's Letter
Motion to File Exhibits Under Seal

Dear Judge Karas:

Defendants Yanfeng US Automotive Interior Systems II LLC's ("YFAI") have filed Motions in opposition to Motions for Summary Judgment made by (i) Plaintiffs' [Doc 226] (ii) FCA US LLC [Doc. 239], and (iii) Adient, PLC, Johnson Controls, Inc., and JCIM, LLC.

Defendant/Third-Party Defendant YFAI's oppositions include declarations of counsel for each motion. The exhibits to the declaration include (i) exhibits from depositions and other documents produced in discovery by YFAI and FCA and marked "Produced Subject to Protective Order" and excerpts of deposition testimony relating to those documents (the "YFAI and FCA Protected Exhibits") and (ii) portions of a confidential Master Agreement ("MA") between JCI and YFAI and marked confidential in accordance with the Court's Second Amended Stipulated Protective Order ("Order"). ECF No. 103.

The Order provides that where parties produce documents that are commercially confidential or propriety and /or contain trade secrets (i.e., "Confidential Information"), any documents marked accordingly, and any testimony or other information based upon such documents, shall be considered protected and subject to the Order. Order par. 1. The Order further provides for the protection of confidential and proprietary information between the parties pursuant to the terms outlined therein. See Order at ¶ 11 ("if a party seeks to introduce into evidence or present

Our File No.: 11024-0003

January 14, 2022

Page 2

Confidential Information in support of or opposition to a motion, the party seeking to introduce or present the Confidential Information shall file any such documents under seal and request the Court to seal . . .”).

As a result, YFAI hereby file this letter motion in accordance with the Order to file the exhibits in support of YFAI's opposition to the motions for summary judgment under seal. With regard to the MA (Exhibit A to the Declaration of Cathleen A. Giannetta, Esq. in Support of YFAI's Opposition to FCA and Exhibit A to the Declaration of Cathleen A. Giannetta, Esq. in Support of YFAI's Opposition to Adient, PLC, Johnson Controls, Inc., and JCIM, LLC) this document is appropriate for filing under seal because the MA contains information about “key customers” and certain company valuations that could be exploited for economic gain by competitors. These are the types of sensitive and/or trade secret information that, if made public, could result in competitive injury, thereby warranting a filing under seal pursuant to the standards of this District and the Second Circuit. *See, e.g., Hypnotic Hats, Ltd. v. Witnermantel Enters., LLC*, 335 F. Supp. 3d 566, 600 (S.D.N.Y. 2018); *Uni-Sys., LLC v. U.S. Tennis Ass’n, Inc.*, No. 17 CV 147, 2019 WL 3753780, at *4 (E.D.N.Y. Aug. 8, 2019).

The remaining documents are filing under seal are YFAI and FCA Protected Exhibits that YFAI and/or FCA marked according to the Order, and which therefore may contain information to which YFAI and FCA may object if not filed under seal. Specifically, such documents and related deposition excerpts may contain confidential, sensitive, and/or trade secret information, the release of which could cause competitive or pecuniary injury to YFAI and FCA.

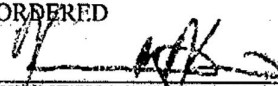
Very truly yours,

WOOD, SMITH, HENNING & BERMAN LLP

Cathleen Giannetta

By: _____
Cathleen A. Giannetta (CG1143)

Granted.

SO ORDERED

KENNETH M. KARAS U.S.D.J.

January 20, 2022